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10/771,444

02/05/2004

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EXAMINER

CHAPMAN, GINGER T

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

10/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/771,444

Applicant(s)

FUJISATO, RYOSAKU

Examiner

Ginger T. Chapman

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/05/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I in the reply filed on 17 July 2007 is acknowledged.

Claims 5-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 17 July 2007.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50 to 150 words**. **It is important that the abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract of the disclosure is objected to because the abstract exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

Claim 2 is objected to because of the following informalities: Claim 2 recites the limitation "the air axis" in line 4. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostrov et al (US 6,706,006 B2) in view of French et al (US 6,485,452 B1).

With respect to claim 1, as best depicted in Figures 2-3, Kostrov discloses a suction-cleansing device (fig. 2) comprising a vessel body (5) having a hollow portion (7) whose profile is converged from its rear part side to its front part side (fig. 2); an air/liquid jetting port (15) secured at the front end portion of the vessel body; a liquid-introducing pipe (3) connected (8) to the circumferential wall of the rear part side of the vessel body in the tangential direction (fig. 2a; c. 3, l. 26 and ll. 50-62); an air/liquid jet guiding portion that is disposed at the outer circumferential portion of the air/liquid jetting port (15).

Kostrov teaches the claimed invention except for outer circumferential portion is widened. French, at c. 1, ll. 63-67 to c. 2, ll. 1-3, expresses the desire for a jet-guiding portion, i.e., a splash shield or splash guard, for a suction-cleansing device that can be removed or adjusted as desired. As seen in Figures 1-3, 7 and 8, French teaches a jet-guiding portion (54) that is disposed at the outer circumferential portion of the air/liquid jetting port and is widened to open from the air liquid jetting port toward the jetting direction. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the suction-cleansing device of Kostrov comprising an air/liquid jet-guiding portion as taught by French, since French states at c. 2, ll. 50-52 that the benefit of forming the device with this design is that it protects the surroundings from being splashed during use of the device.

With respect to claim 2, as seen in Figure 3, Kostrov teaches an air self-suction port (14).

With respect to claim 4, Kostrov/French disclose the claimed invention except for the second air introduction port. Kostrov/French teach the general conditions of the claims, i.e. a suction-cleansing device having a rotating member and air self-suction port. With respect to the second air introducing port, it is noted by the examiner that multiples of the same structure does not provide additional patentable weight and would have been an obvious modification since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kostrov in view of French and further in view of Martin (US 6,962,298 B1).

With respect to claim 3, Kostrov/French disclose the claimed invention except for the rotating member and tank portion. Martin, at c. 2, ll. 13-18, expresses the desire for a suction-cleansing device that can be selected to provide different modes of cleansing action. As seen in Figures 1 and 8-9, Martin teaches a suction cleansing device (10) including a rotating member (16) that is attached by being screwed in a threaded portion (106) which is opened and formed at an anterior wall of the vessel body and is rotatably provided in a covered (92) manner (c. 4, ll. 4-10) centering around a position deviated from the axial center of the vessel body (70) and air self-suction port (93) that introduces air into the device is formed at a position deviated from the rotating axis of the rotating member.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gibbons (US 5,484,427) Figure 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman  
Examiner, Art Unit 3761  
09/30/07



TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

